



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 06/14/01

Agenda Item 2

TO: PLANNING COMMISSION

FROM: Dyana Anderly, AICP, Planning Manager

SUBJECT: Text Change Application 01-140-03 - Initiated by the Planning Director – Request for an Amendment to the Zoning Ordinance to Limit Window Coverage in Connection with Retail Establishments.

RECOMMENDATION:

It is recommended that the Planning Commission recommend to the City Council that they adopt the negative declaration and amend the Zoning Ordinance relative to window coverage for retail commercial establishments.

DISCUSSION:

It is apparent that some retail establishments in Hayward have stacked merchandise against windows or have otherwise covered their windows, in effect, blocking vision into the stores. A major feature of a vibrant retail establishment is the view into the store that reveals an attractive display of merchandise and customer activity. Engaging displays and customer activities serve to entice pedestrians as well as persons in vehicles to patronize the store. These features also contribute to a more engaging streetscape. Open windows also provide safer environments in which to work and shop since police are able to observe activities in the stores. City Sign Regulations prohibit signs from covering more than 25 percent of the window area in order to sustain an attractive physical image; however, there are no performance standards that prohibit blocking windows using other methods. For the reasons stated above, the following performance standard is proposed to be added to the Hayward Zoning Ordinance.


Transparent windows and doors of buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended for sale or goods being stored shall be located no closer than 5 feet from a transparent window or door. This section shall not apply to signs or retail

goods that are presented within or adjacent to a window that are part of a decorative window display, as determined by the Planning Director.

Business owners who choose to stack merchandise against windows often claim that this practice is necessary because, otherwise, there would be inadequate storage or display areas within their stores. They indicate that with less stock their sales would be reduced even though attractive window displays is an effective marketing tool for luring customers into stores.

Adoption of this Ordinance would create a performance standard applicable to all retail establishments that have not invested significantly in permanently affixed storage shelves in front of windows before the date of adoption of this ordinance. This determination will be made on a case-by-case basis.

Prepared by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Findings of Approval of Amendment
- B. Draft Ordinance

FINDINGS FOR APPROVAL
AMENDMENT TO ZONING ORDINANCE,
SECTIONS 10-1.845, 10-1.1445, 10-1.1555, 10-10.1645, and 10-1.1985
MINIMUM DESIGN AND PERFORMANCE STANDARDS
TEXT CHANGE NO. 01-140-03

- A. Approval of Text Change Application No. 01-140-03 is exempt from environmental review in accordance with Section 15061(3) of the California Environmental Quality Act Guidelines.
- B. That substantial proof exists that the proposed text change relative to window coverage of retail businesses where windows are visible to the public will promote the public health, safety, convenience, and general welfare of the residents and business operators in Hayward by ensuring a more vibrant retail experience and by providing for greater opportunities for surveillance by police of activities within the retail stores;
- C. That the proposed text change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the General Policies Plan endorses attractive and successful commercial centers and indicates that these assets should be fostered in land use decisions, and the *Commercial Design Manual* for downtown businesses in the Hayward Downtown Historic Rehabilitation District states that "*filled in or covered windows should be opened and re-glazed*";
- D. That streets and public facilities existing or proposed will not be impacted and will continue to be able to serve all structures that would be impacted by adoption of this ordinance; and
- E. That providing for visibility into retail stores by the general public will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations in that currently covered windows, particularly display windows, do not provide an attractive retail experience, do not attract customers, and are an impediment to police surveillance of activities within retail buildings.

DRAFT ZONING ORDINANCE AMENDMENT
TEXT CHANGE NO. 00-140-03

SEC.10-1.845 MINIMUM DESIGN AND PERFORMANCE STANDARDS

w. Window Coverage

Transparent windows and doors and buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.

SEC.10-1.1045 MINIMUM DESIGN AND PERFORMANCE STANDARDS

v. Window Coverage

Transparent windows and doors and buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.

SEC.10-1.1445 MINIMUM DESIGN AND PERFORMANCE STANDARDS

d. Window Coverage

Transparent windows and doors and buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are

otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.

SEC.10-1.1555 MINIMUM DESIGN AND PERFORMANCE STANDARDS FOR CC-C, CC-R AND CC-P SUBDISTRICTS

Non-Residential Buildings and Uses

z. Window Coverage

Transparent windows and doors and buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.

SEC.10-1.1645 MINIMUM DESIGN AND PERFORMANCE STANDARDS

w. Window Coverage

Transparent windows and doors and buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a

window and that are a part of a decorative window display, as determined by the Planning Director.

SEC.10-1.1985 MINIMUM DESIGN AND PERFORMANCE STANDARDS

dd. Window Coverage

Transparent windows and doors and buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.